

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD JAMES PRICE,
Plaintiff,

V.

**ERIE COUNTY COURTHOUSE, et al.,
Defendants.**

C.A. No. 23-34 Erie

District Judge Susan Paradise Baxter
Chief Magistrate Judge Richard Lanzillo

MEMORANDUM ORDER

Plaintiff Edward James Price, an inmate incarcerated at the Mercer County Jail in Mercer, Pennsylvania, initiated this *pro se* civil rights on February 8, 2023, by submitting a complaint without an accompanying motion to proceed *in forma pauperis* (“ifp motion”) or payment of the filing fee. [ECF No. 1]. Plaintiff subsequently filed an ifp motion on March 29, 2024 [ECF No. 5]; however, the motion was dismissed by Order dated August 29, 2023, due to Plaintiff’s failure to file a supporting affidavit and a certified copy of his inmate account in accordance with 28 U.S.C. §1915(a)(1) and (2), and this case was administratively closed pending Plaintiff’s payment of the filing fee or submission of another ifp motion with the required supporting documents. [ECF No. 8].

Plaintiff filed a second ifp motion on October 2, 2023 [ECF No. 13], and a supporting declaration on October 12, 2023 [ECF No. 14]. By Order of Chief Magistrate Judge Richard A. Lanzillo, dated February 27, 2024, Plaintiff's second ifp motion was granted, this case was reopened, and the Clerk was directed to docket Plaintiff's complaint. [ECF No. 18]. The Complaint was docketed on the same date. [ECF No. 19].

On April 11, 2024, Chief Magistrate Judge Lanzillo dismissed Plaintiff's complaint without prejudice and ordered Plaintiff to file an amended complaint. [ECF No. 20]. In particular, Judge Lanzillo found that Plaintiff's original allegations were too vague and conclusory and failed to name the appropriate individuals who were personally responsible for the allegedly unlawful conduct and harm Plaintiff claims to have suffered. (Id.). Pursuant to the Order, Plaintiff was to have filed the amended complaint by May 13, 2024.

On July 19, 2024, after Plaintiff failed to comply with his Order to file an amended complaint, Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that this case be dismissed for Plaintiff's failure to prosecute. [ECF No. 21]. Objections to the R&R were due to be filed by August 5, 2024; however, no timely objections have been filed.

AND NOW, this 6th day of August, 2024;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The Report and Recommendation of Chief Magistrate Judge Lanzillo, dated July 19, 2024 [ECF No. 21], is adopted as the opinion of this Court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge